

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-76 (KMM/TNL)

Plaintiff,

v.

ORDER

Shevirio Kavirion Childs-Young (1),
William Charles Saffold (2),
Eric Harrell Knight (3), and
Javeyon Demario Tate (4),

Defendants.

This matter is before the Court on Defendants' Joint Motion for Extension of Time to File Pretrial Motions (ECF No. 61) and Defendants' Joint Motion to Exclude Time Under the Speedy Trial Act (ECF No. 62). Defendants also each filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act. (ECF Nos. 63-66.) Defendants request a six-week extension of the pretrial motions filing date, the motions hearing date, the trial date, and all corresponding dates and deadlines. (ECF No. 61 at 1.)

The Court designated this case as complex on June 23, 2022, given the large amount of discovery and the number of alleged criminal incidents. (ECF No. 32 at 2.) Defendants state that they "have received voluminous discovery, including numerous search warrants, videos that must be reviewed upon request, and thousands of pages of documents." (ECF No. 61 at 1.) Counsel for Defendants contend that they need additional time to review the discovery, communicate with their clients, and draft motions to be filed. (*Id.*) Accordingly, Defendants move to extend the pretrial motions filing date by six weeks, to October 3,

2022, and to continue the motions hearing date, the trial date, and all corresponding dates and deadlines by six weeks. (*Id.*) The Government does not oppose the motion. (*Id.*)

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide Defendants and their attorneys reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Honorable John R. Tunheim, then-Chief District Judge for the United States District Court for the District of Minnesota, has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹ On June 1, 2022, Judge Tunheim entered General Order No. 36, which allows limited in-person proceedings for defendants who decline to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 36 (D. Minn. June 1, 2022). General Order No. 36 states that because only limited in-person proceedings may be held each day, criminal proceedings may be continued until the date that the criminal proceeding takes place.

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

General Order No. 36 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. General Order No. 36 further provides that the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19. **Accordingly, should Defendants file pretrial motions, counsel shall also file a letter indicating whether Defendants consent to a motions hearing by videoconference.** (*See also* ECF Nos. 30, 56.)

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' Joint Motion for Extension of Time to File Pretrial Motions (ECF No. 61) is **GRANTED**.
2. Defendants' Joint Motion to Exclude Time Under the Speedy Trial Act (ECF No. 62) is **GRANTED**.
3. The period of time from **August 17, 2022, through November 8, 2022**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) ("Exclusions of time attributable to one defendant apply to all codefendants." (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).
4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **October 3, 2022**. D.

Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

5. **Should a defendant file pretrial motions, counsel shall also file a letter on or before October 3, 2022, indicating whether that defendant consents to a motions hearing by videoconference.** *See, e.g., ECF Nos. 30, 56.*

6. Counsel shall electronically file a letter on or before **October 3, 2022**, if no motions will be filed and there is no need for hearing.

7. All responses to motions shall be filed by **October 18, 2022**. D. Minn. LR 12.1(c)(2).

8. Any Notice of Intent to Call Witnesses shall be filed by **October 18, 2022**. D. Minn. LR 12.1(c)(3)(A).

9. Any Responsive Notice of Intent to Call Witnesses shall be filed by **October 21, 2022**. D. Minn. LR 12.1(c)(3)(B).

10. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

11. **If required, the motions hearing shall take place before the undersigned on November 8, 2022, at 1:30 p.m., in Courtroom 9W, Diana E. Murphy U.S.**

Courthouse, 300 South Fourth Street, MINNEAPOLIS, Minnesota. D. Minn. LR 12.1(d).

12. TRIAL:

a. IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:

the following trial and trial-related dates are:

All voir dire questions and jury instructions shall be submitted to District Judge Katherine M. Menendez on or before *a date to be determined*.

This case must commence trial on *a date to be determined*, before District Judge Menendez in Courtroom 3A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Menendez to confirm the new trial date.

Dated: August 23, 2022

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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